

### **Remarks**

Claims 1-5, 7-18 are currently pending in the application following entry of this amendment. Claim 1 has been amended in order to overcome objections. Claim 6 is cancelled without prejudice. Claim 7 (which previously referred to claim 6) has been amended to refer, instead, to claim 1. Claim 18 has been amended in order to overcome objections, and claim 19 has been cancelled, without prejudice. No new matter has been added to the Application.

### ***Specification***

The specification has been amended in the paragraph on lines 15-23 of page 2 to delete the reference to "metal" in that line, in accordance with the helpful suggestion of the examiner. No other changes have been made to the original wording of this section.

The specification has also been amended at page 6 lines 14-15, to clarify that it is Fig 15a-15d that represent the different embodiments of the apparatus. No other changes have been made to the original wording of this section.

These amendments, which were suggested by the examiner, appear to the applicant to overcome the objections relating to the specification.

### ***Claim rejections – 35 USC § 102***

#### **Rejections of claims 1-3, 5, 7-10, 13, 15, 16, 18 and 19 based on Deveau.**

Claims 1-3, 5, 7-10, 13, 15, 16, 18 and 19 were rejected under 35 USC § 102(b) based on Deveau. Claims 1 and 18 have been amended to introduce the distinguishing feature from previous claim 4, namely that the spine is rigid in its vertical plane. Claim 1 has also been amended to clarify that the spine has a higher degree of flexibility in the lateral plane than in the vertical plane. Appropriate amendments have been made to claim 1 to introduce proper antecedent basis for the vertical plane and the lateral plane. It is noted that claim 4 was not

rejected under Deveau.

Additionally, claims 1 and 18 have been amended to introduce the feature previously recited in original claim 6, which is that the spine comprises a stiffening member to enhance the rigidity in one plane (the vertical plane). It is noted that claim 6 was also not rejected on the basis of Deveau.

Thus, the independent claims as now amended include at least *two* features not found in Deveau. Firstly, that the spine includes the stiffening member to enhance rigidity in one plane, and secondly, that the spine is rigid in the said one (vertical) plane, yet still has lateral flexibility.

This structural difference arising from these features takes the presently claimed invention far from the teaching of Deveau. Deveau teaches specifically that the straps used should be flexible, and this is even emphasised as a claimed aspect of the invention, see column 2, lines 6-8, which requires a “flexible web material” for all of the components. The requirement for flexibility is again described in column 3, lines 13-25, and common flexible luggage straps for example are described as being completely suitable for the type of device that Deveau intends. However, it is the drawings of Deveau that most completely show the degree of flexibility that Deveau intends and promotes, because in Fig 3, for example, which shows the children strapped into the device, one child (on the lower right side of the picture) is shown turning away from the others, whereas another (on the upper right side) is shown lagging behind, and the child on the upper left side appears to be jumping. All of these deviations are accommodated by the obvious flexibility of Deveau’s straps. In fact, In all of the parts of the strapping shown in Fig 3, there is clearly deviation and flapping of the fabric in a completely random manner, and it is clear from this drawing that the overall intention of the Deveau design is to allow a very free movement of children without obstruction by the straps in as many different planes as possible. Further evidence of this can be found in Fig 1 and Fig 5, which show the Deveau device unattached to children and again show the straps flapping in a completely random manner. Therefore, it is consistently emphasised throughout Deveau that the children should not be restricted in movement except beyond the axial extension of the

straps, which should be as flexible as possible.

This is entirely inconsistent with the features now inserted into the independent claims, which require selective rigidity in the vertical plane and a higher degree of flexibility in the lateral plane. Thus it can be clearly seen that the presently claimed invention is entirely different to the teaching of Deveaux, and withdrawal of the rejections made on the basis of this document are respectfully requested.

Rejections of claims 1, 2, 4, 6, and 8-13 based on Morris.

The amended independent Claims are directed to apparatus for coupling at least two users, and requires the feature of at least two lateral attachment members adapted to couple respective first and second users to the spine. Morris teaches an animal poke that is specifically for use with a single animal and has no lateral attachment members suitable or adapted for coupling of two animals or other users. Morris does not contemplate this prospect. The buckles shown on the belly and neck straps of the Morris device do not constitute "lateral attachment members" in the sense required by the claim, because there is no teaching or suggestion from Morris about using these to couple animals to one another, and it is emphasised in Morris that these features are solely designed for connecting the Morris device *to the animal* and preventing it from slipping, as taught in column 1, lines 25-33. Thus the claimed invention requires the feature of the lateral attachment members omitted by Morris. Since Morris does not teach or suggest the feature of the lateral attachment members claimed, we respectfully request that the rejections raised under 102(b) on the basis of Morris are withdrawn.

***Claim rejections – 35 USC § 103***

Rejections of claims 5 and 7 based on Morris.

Because Morris is not relevant to the main independent claim 1, as argued above, it is not relevant to the dependent claims 5 and 7, which depend on claim 1. Therefore, the rejection is most respectfully traversed on this basis. Additionally, the bar 1 in Morris does not teach or suggest anything about being flexible in the lateral plane, and certainly does not suggest that

there might be a difference in the flexibility of the bar 1 in the vertical and lateral planes. In fact, it would be entirely contrary to the aim of the Morris system to allow any kind of flexibility of the bar 1, as this would permit the animal to jump etc, which is the kind of activity that Morris seeks to restrain as described at the outset of Morris, in column 1 lines 8-10.

Rejection of claim 14 based on Deveaux.

As argued above, the amended claim 1 is not anticipated or rendered obvious by Deveaux, so claim 14, which by reference includes all of the features set out in claim 1, is likewise new and non-obvious over Deveaux. Additionally, there is nothing in Deveaux that might suggest to one skilled in the art that one could stagger the attachment member along the spine member, and in fact all of the embodiments that are shown in Deveaux consistently emphasise the symmetry of the attachment members, which entirely contrary to the feature set out in claim 14. Therefore, it is respectfully submitted that claim 14 is not rendered obvious by Deveaux, and withdrawal of the rejection is therefore respectfully requested.

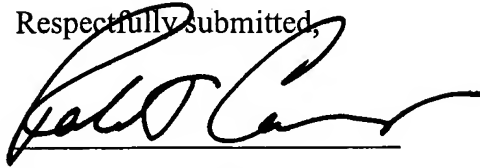
Rejection of claim 17 based on Deveaux or Morris in view of Nero.

As argued above, the amended claim 1 is not anticipated or rendered obvious by Deveaux or by Morris, so claim 17, which by reference includes all of the features set out in claim 1, is likewise new and non-obvious over these primary references. Withdrawal of the rejection is therefore respectfully requested.

It is respectfully submitted that all pending claims are in condition for allowance, and Applicant respectfully requests that allowance be granted at the earliest date possible. Should the Examiner have any questions or comments regarding Applicant's amendments or response, the Examiner is asked to contact Applicant's undersigned representative at (215) 988.3303.

If there are any fees due in connection with the filing of this Amendment, please charge the fees to our Deposit Account No. 50-0573.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert E. Cannuscio', written over a horizontal line.

ROBERT E. CANNUSCIO ESQ.  
Registration No. 36,469  
DRINKER BIDDLE & REATH LLP  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103-996  
(215) 988-3303 - Phone  
(215) 988-2757 - Fax  
Attorney for the Applicant